

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

THEODORE DAVIS,)	
)	
Plaintiff,)	
)	Case No.: 2:05-cv-632-WKW
vs.)	
)	
ARMSTRONG RELOCATION, LLC,)	
Edna Dumas, et al.)	
)	
Defendants.)	

DEFENDANT ARMSTRONG RELOCATION'S
MOTION FOR SUMMARY JUDGMENT

COMES NOW, the defendant, Armstrong Relocation, LLC (hereinafter "Armstrong"), and pursuant to Rule 56 of the Federal Rules of Civil Procedure, and hereby moves this Honorable Court to enter Summary Judgment in its favor on all counts in the Complaint and Amended Complaint as a matter of law, on the grounds that there is no genuine issue of material fact, and that it is entitled to summary judgment as a matter of law.

In support of this Motion for Summary Judgment, the defendant submits the following evidence:

1. Narrative Summary of Facts contained in the Brief in Support of Motion for Summary Judgment filed contemporaneously herewith.
2. The Evidentiary Submission in support of the Motion for Summary Judgment filed contemporaneously herein.

WHEREFORE, THE PREMISES CONSIDERED, defendant Armstrong Relocation, LLC respectfully requests, pursuant to Rule 56 of the Federal Rules of Civil Procedure that

summary judgment be entered in its favor on all counts as a matter of law and against the plaintiff.

/s/ C. Winston Sheehan, Jr.

C. WINSTON SHEEHAN, JR.

/s/ Emily C. Marks

EMILY C. MARKS

Attorneys for Armstrong Relocation, LLC

OF COUNSEL:

BALL, BALL, MATTHEWS & NOVAK, P.A.

2000 Interstate Park Drive, Suite 204

Post Office Box 2148

Montgomery, Alabama 36102-2148

Phone: (334) 387-7680

Fax: (334) 387-3222

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2006, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system which will send notification of such filing to the following registered persons and that those persons not registered with the CM/ECF system were served by U.S. mail:

George Lamar Beck , Jr glb@chlaw.com, terrie@chlaw.com;roxie@chlaw.com

Terrie Scott Biggs tsb@chlaw.com, julie@chlaw.com

Joint Chambers jointchambers@almd.uscourts.gov

Wallace Damon Mills wmills@ci.montgomery.al.us

Michael W. Rountree mwrre@knology.net, rtreesigpc@aol.com

Jeffrey Wilson Smith jsmith@slatenlaw.com, cmclean@slatenlaw.com

Judy B. Van Heest jvanheest@beersanderson.com, brenda@beersanderson.com

/s/ Emily C. Marks
OF COUNSEL